

**Notice of Allowability**

Application No.	Applicant(s)
10/671,325	MITTMANN, RUDOLF
Examiner	Art Unit
Joseph Lauture	2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to correspondence filed 09/25/2003.

2.  The allowed claim(s) is/are 1-14.

3.  The drawings filed on 25 September 2003 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 120103
- Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),  
Paper No./Mail Date 42605
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Freeman on 04/27/2005.

In claim 1, line 15; delete "series of".

In claim 6, line 3; insert --of--between "difference" and "said".

In claim 6, line 3; delete "the" between "said" and "two".

In claim 9, line 6; replace "comprises" with --comprising--.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: the prior arts of record fail to teach a position measuring instrument apparatus and method that includes inter alia a code that comprises a series of code patterns, wherein each code pattern of said series of code patterns unambiguously defines one absolute position and comprises a plurality of code elements; a scanner that is movable in a measurement direction relative to said code, said scanner comprising a light source that generates light that scans said code so that said code generates modulated light; a detector that detects said modulated light and generates scanning signals; an evaluation unit that receives said scanning signals and forms a code word with a plurality of bits and forms additional bits from scanning said code, said evaluation unit 1) checking said plurality of bits of said code word and said additional bits for reliability, and if one of said plurality of bits and said additional bits fails to attain predetermined criteria, it is assigned an error code, 2) predetermining a series of bit strings, with one absolute position being unambiguously assigned to each one of said series of bit strings and 3) comparing said bits of said code word with said predetermined series of bit strings and comparing said additional bits with corresponding bits from said predetermined series of bit strings, and if a match of all of said bits of said code word and said predetermined series of bits strings occurs, assigning a corresponding absolute position to said code word, and upon comparison for a match, any bits assigned an error code are not taken into account.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Lauture, whose telephone number is (571) 272-1805. The examiner can normally be reached Monday thru Friday between 9:30 am and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached at (571) 272-1812. The fax number for the organization to which this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571) 272-1562.

Joseph Lauture  
Group: 2819  
Date: 04/27/2005

*Peguy Jean Pierre*  
PEGUY JEANPIERRE  
PRIMARY EXAMINER